

12 KAR 3:017. Brand and product names.

RELATES TO: KRS 250.501, 250.521, 250.531

STATUTORY AUTHORITY: KRS 250.571(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 250.571(1) authorizes the Director of the Agricultural Experiment Station to promulgate administrative regulations necessary for efficient enforcement of KRS 250.491 to 250.631. This administrative regulation establishes the conditions for use of a brand or product name.

Section 1. The words "100%", "all", or words of similar designation shall not be used in the brand or product name of a pet food or specialty pet food if the product contains more than one (1) ingredient, not including water sufficient for processing, decharacterizing agents, or trace amounts of preservatives and condiments.

Section 2. An ingredient or combination of ingredients may form part of a product name of a pet food or specialty pet food:

(1) If the ingredients constitute at least ninety-five (95) percent of the total weight of the product. Water sufficient for processing may be excluded when calculating the percentage; however, the ingredients shall constitute at least seventy (70) percent of the total product weight;

(2) If any ingredient constitutes at least twenty-five (25) percent of the weight of the product, if:

(a) Water sufficient for processing may be excluded when calculating the percentage, however, the ingredients shall constitute at least ten (10) percent of the total product weight; and

(b) A descriptor is used with the ingredient names. This descriptor shall imply other ingredients are included in the product formula.

1. Examples of descriptors include "dinner", "platter", "entrée", "formula", and "recipe".

2. The descriptor shall be in the same size, style, and color print as the ingredient names; or

(3) If a combination of ingredients, which are included in the product name in accordance with this section, complies with paragraphs (a) through (c) of this subsection.

(a) Each ingredient shall constitute at least three (3) percent of the product weight, excluding water sufficient for processing.

(b) The names of the ingredients shall appear in the order of their respective predominance by weight in the product.

(c) All the ingredient names appear on the label in the same size, style, and color print.

Section 3. (1) If the name of any ingredient appears in the product name of a pet food, specialty pet food, or elsewhere on the product label and includes a descriptor such as "with" or similar designation, the named ingredients shall each constitute at least three (3) percent of the product weight exclusive of water for processing.

(2) If the names of more than one (1) ingredient are shown, each named ingredient shall appear in order of predominance by weight in the product.

(3) The three (3) percent minimum level shall not apply to claims for nutrients, such as vitamins, minerals, and fatty acids, as well as condiments.

(4) The word "with" or similar designation, and named ingredients shall be in the same size, style, color, and case print and be of no greater size than:

Panel Size	Max "With Claim" Type Size
≤5 in. ²	1/8 in.

>5 - ≤25 in. ²	1/4 in.
>25 - ≤100in. ²	3/8 in.
>100 - ≤400in. ²	1/2 in.
>400 in. ²	1 in.

Section 4. A flavor designation may be included as part of the product name or elsewhere on the label of a pet food or specialty pet food if:

- (1) The flavor designation:
 - (a) Conforms to the name of the ingredient as listed in the ingredient statement; or
 - (b) Is identified by the source of the flavor in the ingredient statement;
- (2) The word "flavor" is printed in the same size type and with an equal degree of conspicuousness as the name of the flavor designation; and
- (3) Substantiation of the flavor designation, the flavor claim, or the ingredient source is provided to the Division of Regulatory Services upon request.

Section 5. The product name of the pet food or specialty pet food shall not be derived from one (1) or more ingredients unless all ingredients are included in the name, except as established in Section 2 or 3 of this administrative regulation. The name of an ingredient or combination of ingredients may be used as a part of the product name if:

- (1) The ingredient or combination of ingredients is present in sufficient quantity to impart a distinctive characteristic to the product or is present in amounts that have a material bearing upon the price of the product or upon acceptance of the product by the purchaser; or
- (2) The name does not constitute a representation that the ingredient or combination of ingredients is present to the exclusion of other ingredients.

Section 6. Contractions or coined names referring to ingredients shall not be used in the brand name of a pet food or specialty pet food unless it is in compliance with Section 2, 3, or 4 of this administrative regulation.

Section 7. (1) If pet food or specialty pet food consists of raw milk, the words, "Raw (blank) Milk" shall appear conspicuously on the principal display panel.

(2) The (blank) shall be completed by using the species of animal from which the raw milk is collected. (AES-2 (1973)-PF 3; 1 Ky.R. 1002; eff. 6-11-1975; 23 Ky.R. 1615; eff. 1-10-1997; 25 Ky.R. 1090; 2361; eff. 4-14-1999; 45 Ky.R. 112, 330; eff. 9-28-2018.)